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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>In re</b>	: <b>Chapter 11 Case No.</b>
	:
<b>LEHMAN BROTHERS HOLDINGS INC., et al.,</b>	: <b>08-13555 (JMP)</b>
	:
<b>Debtors.</b>	: <b>(Jointly Administered)</b>
	:
	:
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**LEHMAN BROTHERS HOLDINGS INC. ET AL.'S STATEMENT  
OF ISSUE PRESENTED ON APPEAL AND COUNTERDESIGNATION  
OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD ON  
APPEAL IN CONNECTION WITH THE APPEAL OF WILLIAM KUNTZ, III**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), Lehman Brothers Holdings Inc. ("LBHI") and its affiliated chapter 11 debtors (collectively, the "Debtors"), submit the following statement of issue presented on appeal and counterdesignation of additional items to be included in the record in connection with the appeal of William Kuntz, III ("Appellant")<sup>1</sup> from the following order of the United States

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<sup>1</sup> The Appellant's statement of issues on appeal and designation of items to be included in the record on appeal, dated December 1, 2008, was filed late (the "Statement of Issues and Designation"). Appellant's notice of appeal is dated November 13, 2008, which required Appellant to file the Statement of Issues and Designation on or before November 24, 2008. Appellant did not file his Statement of Issues and Designation until December 1, 2008. See Bankruptcy Rule 8006 ("Within 10 days after filing the notice of appeal . . . the appellant shall file with the clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented."). The Debtors have filed this Statement of Issue and Counterdesignation of Additional Items to be Included in the Record on Appeal notwithstanding Appellant's failure to serve on the Debtors the Statement of Issues and Designation, which the Debtors did not become aware of until the Bankruptcy Court entered the Statement of Issues and Designation on the docket on December 10, 2008.

Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) (James M. Peck, B.J.), entered on October 16, 2008, Denying Motion of William Kuntz, III for an Order Lifting or Modifying the Automatic Stay [Docket No. 1094] (the “Order”).

**STATEMENT OF ISSUE ON APPEAL**

1. Did the Bankruptcy Court commit an abuse of discretion in denying Appellant’s motion for relief from the automatic stay under 11 U.S.C. § 362(a)?

**COUNTERDESIGNATION OF RECORD**

<b>Designation Number</b>	<b>Date of Filing</b>	<b>Docket Number</b>	<b>Description</b>
1	9/15/2008	1	Voluntary Petition (Chapter 11). Order for Relief Entered
2	9/15/2008	2	Affidavit of Ian T. Lowitt Pursuant to Rule 1007-2 of the Local Bankruptcy Rules for the Southern District of New York in Support of First-Day Motions and Applications
3	9/15/2008	3	Debtor’s Motion, Pursuant to Section 105 of the Bankruptcy Code, for an Order Enforcing the Protections of Section 362 of the Bankruptcy Code
4	9/15/2008	4	Corporate Ownership Statement Pursuant to Federal Rule of Bankruptcy Procedure 1007(a)(1) and Local Rule of Bankruptcy Procedure 1007-3
5	9/15/2008	7	Debtor’s Motion Pursuant to Section 105(a), 342(a), and 521(a)(1) of the Bankruptcy Code, Bankruptcy Rules 1007(a) and 2002(a), (f), and (l), and Local Bankruptcy Rule 1007-1 for (i) a Waiver of the Requirements to File a List of Creditors and (ii) Approval of the Form and Manner of Notifying Creditors of the Commencement of the Debtor’s Chapter 11 Case
6	9/15/2008	15	Amended Corporate Ownership Statement Pursuant to Federal Rule of Bankruptcy Procedure 1007(a)(1) and Local Rule of Bankruptcy Procedure 1007-3
7	9/16/2008	23	Notice of Commencement of Chapter 11 Case and First Day Motions
8	9/16/2008	48	Order Enforcing the Protections of Section 362 of the Bankruptcy Code
9	9/16/2008	53	Order Waiving the Requirements to File a List of Creditors and (ii) Approving the Form and Manner of Notifying Creditors of the Commencement of the Debtor’s Chapter 11 Case
10	9/17/2008	56	Debtor’s Motion Pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure Requesting Joint Administration of Chapter 11 Cases

Designation Number	Date of Filing	Docket Number	Description
11	9/17/2008	57	Motion Pursuant to Section 105(a) of the Bankruptcy Code for an Order Directing that Certain Orders in the Chapter 11 Case of Lehman Brothers Holdings Inc. Be Made Applicable to LB 745 LLC
12	9/17/2008	62	Appointment of Official Creditors' Committee
13	9/17/2008	86	Order Directing Joint Administration for Case Number 08-13555 (Lehman Brothers Holdings Inc.) and Case Number 08-13600 (LB 745 LLC)
14	9/17/2008	87	Order Directing that Certain Orders in the Chapter 11 Case Lehman Brothers Holdings Inc. Be Made Applicable to LB 745 LLC
15	9/18/2008	271	Motion for Relief from Stay for an Order Lifting or Modifying the Automatic Stay filed by William Kuntz
16	10/15/2008	1009	Affidavit of Service of Bridget Gallerie of Epiq Bankruptcy Solutions, LLC
17	10/15/2008	1022	Notice of Agenda of Matters Scheduled for Hearing on October 16, 2008 at 11:00 a.m.
18	10/15/2008	1041	Amended Notice of Agenda of Matters Scheduled for Hearing on October 16, 2008 at 11:00 a.m.
19	10/16/2008	1058	Second Amended Notice of Agenda of Matters Scheduled for Hearing on October 16, 2008 at 11:00 a.m.
20	10/16/2008	1070	Affidavit of Service of Elliot C. Law
21	10/23/2008	1187	Transcript Of Hearing Held On October 16, 2008

Dated: December 12, 2008  
New York, New York

/s/ Shai Y. Waisman  
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